

REMARKS

This application has been reviewed in light of the Office action dated April 28, 2009. Claims 1-3 and 6-30 are presented for examination, of which Claims 1, 28, 29, and 30 are in independent form. Claims 4 and 24 have been canceled without prejudice or disclaimer of the subject matter presented therein. New Claims 29 and 30 have been added to provide Applicant with a more complete scope of protection. Claims 1, 3, 6, 7, 12, and 26 have been amended. Favorable reconsideration is requested.

Claims 1, 2, 9, 11, 14, 15, and 24-27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,001,057 (Plank et al., hereinafter "*Plank*"); Claims 3, 4, and 6-8 were rejected as being unpatentable over *Plank* in view of U.S. Patent Application Publication No. 2003/0026096 (Ellens, et al., hereinafter "*Ellens*"); and Claims 10 and 28 were rejected as being unpatentable over *Plank* in view of U.S. Patent No. 7,090,379 (*Targettetti*). Cancellation of Claims 4 and 24 renders their rejections moot. Applicant respectfully submits that independent Claims 1, 28, 29, and 30, together with the claims dependent therefrom, are patentably distinct from the cited art for at least the following reasons.

Claim 1 is directed to a light influencing element for directing light issued from a light source into a predetermined angular range. The light influencing element includes a plurality of rib-like raster elements which have reflecting side walls and are arranged in a regular structure. The light influencing element also includes a transparent base plate having a broad side on which the raster elements are arranged.

Among other features of Claim 1 is that the light influencing element also includes a transparent base plate having a broad side on which the raster elements are arranged.

By virtue of this feature, light can be directed through the transparent base plate and be reflected by the raster elements. As amended, Claim 1 includes many of the features of cancelled Claim 4.

Page 4 of the Office Action alleges that "It would have been obvious to one having ordinary skill in the art at the time the invention was made to include a transparent base plate in the element of Okada as taught by Ellens et al. in order to achieve a desired illumination from the device." However, Applicant notes that the Office Action does not mention *Okada* as a reference in the explicit statement of rejection of Claim 4. Presumably, the Office Action intended to refer to *Plank* instead. That reference will now be addressed.

Plank relates to a lighting apparatus 10 for disposing LED light sources. In one basic embodiment shown in Fig. 1, LED light sources 14 and 16 are arranged on a layered structure, as described at col. 4, line 43 to col. 5, line 52 of *Plank*. In another embodiment, shown in Fig. 2, the upper surface of the basic structure shown in Fig. 1 is modified, such as by etching a substrate 18, to form troughs to recess the LED light sources 14 and 16. The embodiments of Figs. 1 and 2 are discussed at column 5, line 60 to column 6, line 4 as follows:

Microreflectors 48, 50 extend over the troughs in the layers shown in Fig. 1 – that is, the silicon dioxide layer 20, the diffusion blocking layer 24, and the reflection layer 29. The LED-chips 14 and 16 are installed with a silver brazing surface 28 on the reflection layer 29 or, respectively, are partially sunken thereon. The walls 52, 54 extend sidewise and each form a portion of a micro reflector for each LED-chip 14 and 16.

A separate wall 56 extends between the LED-chips 14 and 16 which is, in any event, at an angle and, on its front side, extends to a peak. This configuration leads to the ladder structure which can be seen in FIGS. 5 and 6.

Reflection layer 29 is formed of silver (see, e.g., *Plank* at column 5, lines 14-17). Apparently, the LED light sources 14 and 16 are each surrounded by two reflective angled side surfaces and a reflective base surface so as to direct the light produced by the LED light sources away from the front of the microreflectors 48 and 50. Moreover, none of the layers 24 (blocking layer), 26 (blocking layer), and 31 (copper layer), shown in Figs. 1 and 2 are seen to be transparent. Since the LED light sources in Fig. 2 are surrounded by reflecting side walls and a reflective base to direct the light produced by the LED light sources 14 and 16 away from those surfaces, introducing a transparent base (in place of the reflective base), that would transmit light through the layered structure below the LED light source (i.e., in a direction toward copper layer 31), would change the mode of operation of *Plank*.

According to MPEP § 2143.01 "If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims prima facie obvious. *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959)". Accordingly, since the proposed modification of the device in *Plank* changes the principle of operation of the device, the Office Action has failed to set forth a prima facie case of obviousness against Claim 1.

Claim 28 is directed to a raster arrangement having a plurality of raster elements arranged neighbouring one another, having reflecting side walls for effecting an anti-dazzling effect of the light emitted from a light source. The raster elements are formed by profile lamella elements produced by solid material injection molding each of which is held at two ends by a frame part.

Among other features of Claim 28 is that the raster elements are formed by profile lamella elements produced by solid material injection molding each of which is held at two ends by a frame part.

The Office Action concedes that *Plank* is “silent about the raster elements being produced by solid material injection molding”, but then asserts that *Targetti* “discloses an anti-dazzle raster element that is formed of a plastic material using injection molding”, and therefore, that it “would have been obvious to . . . form the raster of *Plank* et al. using injection molding as taught by *Targetti* in order to make the raster resistant and rigid to prevent damage” (emphasis added, Office Action, page 5). Applicant respectfully traverses the rejection of Claim 28 because, at most, *Targetti* teaches or suggests injection molding of plastic materials, and does not teach anything about injection molding of a layered structure comprised (at least partially) of metal layers, such as the structure shown in Figures 1 and 2 of *Plank*. Accordingly, there would have been no reason why one of ordinary skill in the art would have even consulted *Targetti*, let alone been motivated to attempt to combine it with *Plank* in the manner proposed in the Office Action. Neither would there have been an expectation of success. Moreover, even if *Plank* and *Targetti* were attempted to be combined (which is not admitted as being obvious or technically feasible), the result still would fail to teach or suggest “raster elements are formed by profile lamella elements produced by solid material injection molding each of which is held at two ends by a frame part”, as recited in Claim 28. Accordingly, the withdrawal of the rejection of Claim 28 under 35 U.S.C § 103(a) is respectfully requested.

Additionally, independent Claim 29 recites “a light influencing element” having features similar in many relevant respects to those of Claim 1 discussed above. Accordingly,

Claim 29 also is believed to be patentable over *Plank* (and *Ellens*) for at least the same reasons as discussed above in connection with Claim 1.

Claim 30 is directed to a light influencing element for directing light issued from a light source into a predetermined angular range, wherein the light influencing element has a plurality of rib-like raster elements which have reflecting side walls and are arranged in a regular structure, and wherein the raster elements have a maximum height of 5mm. The raster elements are of a transparent material, and at least the side walls and the end surfaces of the raster elements away from the light source are provided with a reflecting layer.

Applicant submits that Claim 30 is clearly patentable over *Plank* (and *Ellens*) because of its recitations relating to the transparent layer (see similar reasoning in discussion of Claim 1 above).

A review of the other art of record has failed to reveal anything that, in Applicant's opinion, would remedy the deficiencies of the art discussed above, as applied against the independent claims herein. Therefore, those claims are respectfully submitted to be patentable over the art of record.

The other claims in this application depend from one or another of the independent claims discussed above, and, therefore, are submitted to be patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,



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